

ORIGINAL

AO 440 (Rev. 12/09) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Eastern District of Texas, Tyler

FILED CLERK  
U.S. DISTRICT COURT

2012 JAN 25 AM 10:11

TEXAS EASTERN

MERCK & CIE, SOUTH ALABAMA MEDICAL  
SCIENCE FOUNDATION and PAMLAB L.L.C.*Plaintiff*

v.

MACOVEN PHARMACEUTICALS, GNOSIS S.P.A.  
GNOSIS USA INC. and GNOSIS BIORESEARCH S.*Defendant*

BY \_\_\_\_\_

Civil Action No. 6:12cv0027

## SUMMONS IN A CIVIL ACTION

To: (*Defendant's name and address*) MACOVEN PHARMACEUTICALS  
 c/o C T Corporation System  
 350 North St. Paul St., Ste 2900  
 Dallas, Texas 75201-4234

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Dwayne C. Norton, Alston & Bird LLP, 2828 N. Harwood St., Suite 1800, Dallas, Texas, 75201, 214-922-3437

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 1/20/12

CLERK OF COURT

Signature of Clerk or Deputy Clerk

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**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))*

This summons for (name of individual and title, if any) MACOVEN PHARMACEUTICALS LLC  
 was received by me on (date) 01/20/2012.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
 \_\_\_\_\_ on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
 \_\_\_\_\_ on (date) \_\_\_\_\_; or

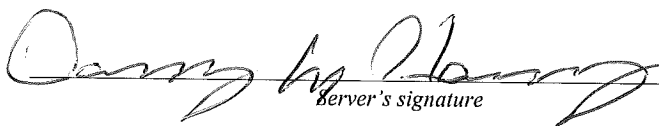
☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other (specify): BY DELIVERING TO MACOVEN PHARMACEUTICALS LLC BY DELIVERING TO  
 ITS REGISTERED AGENT CT CORPORATION SYSTEM BY DELIVERING TO ITS  
 AUTHORIZED AGENT MARIE GARCIA AT 350 NORTH ST PAUL STREET, SUITE 2900,  
 DALLAS, TEXAS 75201 ON 1-20-2012 AT 3:05 PM

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 01/22/2012

  
 Server's signature

DANNY L. HANEY (SCH566) EXP 3/31/14  
 Printed name and title

5470 LBJ FREEWAY, SUITE 100, DALLAS, TEXAS 75240  
 Server's address

Additional information regarding attempted service, etc: